

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN AGUILAR PACHECO,

Petitioner,

v.

WARDEN,

Respondent.

No. 2:23-cv-0765 DB P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Petitioner is a former<sup>1</sup> federal prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. By order dated September 13, 2023, petitioner was directed to either pay the filing fee or submit an application to proceed in forma pauperis within thirty days. (ECF No. 4.) Those thirty days have passed, and petitioner has not paid the filing fee, filed an application to proceed in forma pauperis, requested additional time to do so, updated his address, or otherwise responded to the court's order. Accordingly, the court will recommend

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<sup>1</sup> Records indicate that petitioner is no longer an inmate in the custody of the Federal Bureau of Prisons. See <https://www.bop.gov/inmateloc/> (inmate locator website operated by the Federal Bureau of Prisons). This court may take judicial notice of such information. See Louis v. McCormick & Schmick Restaurant Corp., 460 F. Supp. 2d 1153, 1155 fn.4 (C.D. Cal. 2006) (court may take judicial notice of state agency records); Pacheco v. Diaz, No. 1:19-cv-0774 SAB (PC), 2019 WL 5073594, at \*2 (E.D. Cal. Sept. 4, 2019) (court may take judicial notice of the California Department of Corrections and Rehabilitation's inmate locator system).

that this action be dismissed for failure to prosecute and failure to comply with court orders. See Fed. R. Civ. P. 41(b); Local Rule 110.

For the foregoing reasons, the Clerk of the Court is ORDERED to randomly assign this action to a United States District Judge.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21) days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: October 23, 2023

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

DB:12

DB/DB Prisoner Inbox/Habeas/R/pach0765.f&r.noIFP